



UNLEASHING A SLAPP SHOT. ROCKET PAL SUES HOCKEY PLAYERS

Daily News (New York)

April 28, 2010 Wednesday, SPORTS FINAL EDITION

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Section: SPORTS; Pg. 62

Length: 873 words

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SPORTS WRITERS

Body

THE GOLF COURSE developer accused in a 2009 lawsuit of blowing \$25 million of NHL players' money on porn stars, strippers and wild parties has dropped the gloves and punched back, filing his own \$5 million malicious prosecution lawsuit in a California court yesterday.

The lawsuit filed by Ken Jowdy, the Cabo San Lucas developer and close friend of Roger Clemens, describes a nightmarish legal maze and media smear campaign concocted by his former business partner Philip Kenner, an unlicensed financial adviser who now bills himself as a "lifestyle coach" to pro hockey players, and convicted drug dealer Tommy Constantine.

Also named are Beverly Hills lawyer Ronald Richards and seven hockey players, including Pittsburgh Penguins star Sergei Gonchar, former Ranger and Islander Brian Berard, and former Ranger Mattias Norstrom. The other players are Jere Lehtinen of the Dallas Stars and journeymen Glen Murray, Jozef Stumpel and Jason Woolley.

The men "implemented a coordinated scheme to knowingly disseminate false information" about Jowdy in the June, 2009 lawsuit filed by Richards in the hope of taking over Jowdy's controlling interest in lucrative real estate development projects, including Diamante Cabo San Lucas, the Mexican golf course property valued at \$450 million, according to the complaint.

"Whenever possible, Defendants cloaked their statements in documents filed with various courts, hoping that legal doctrines such as the 'Litigation Privilege' would shield them from liability from the intentionally defamatory statements," Jowdy's suit says. "Defendants circulated their false claims to the press and to the business community where the projects are located in the hope of damaging Jowdy's reputation as the developer of the projects to scare potential investors away from the projects as long as Jowdy was involved."

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The lawsuit Richards filed on behalf of the players was amended three times before it was withdrawn on Feb. 19, after four of the current and retired players violated a court order by failing to appear for depositions.

The players cited participation in the Winter Games for missing the court dates, even though only one whose deposition was scheduled played in the Olympics, and even though the deposition dates were selected by Richards, according to the lawsuit.

Richards said he had not yet seen the complaint and could not comment.

"When you file a lawsuit against a lawyer for doing his job, there are severe consequences in California," Richards said. "If you have \$345 you can file a lawsuit, but that lawsuit will be subject to an anti-SLAPP motion." (SLAPP stands for "strategic lawsuit against public participation," and California's anti-SLAPP statutes protect citizens from frivolous lawsuits or suits that lack merit.)

To this day, Jowdy said he has not even met most of the players who sued him, and would welcome a chance to meet them. They invested in Diamante through Kenner, and Jowdy said he never dealt directly with them.

"These players, they helped us do what we've done here," Jowdy said. "I would love for them to come and see the project and what we've done. I want to be clear. I just want them to tell the truth. I'm not looking to make money off people who helped me, but their advisers tried to destroy me."

Among the allegations Jowdy says were false and salacious and damaged his business and reputation were not only that he arranged for porn stars to attend functions but that an arrest warrant had been issued for him in Mexico based on false allegations, that labor disputes there had led to liens of \$2.5 million against the properties and that he had falsified financial statements.

Jowdy said the allegations reported to the Mexican authorities are preposterous and absolutely false but that he lived in fear of arrest - or worse - because of them.

"I worried I would end up at the bottom of a cliff," he told the Daily News in an interview in February.

On the day of the ceremony commemorating the opening of Diamante, as Jowdy said a few words to the dignitaries gathered for the ribbon-cutting, he feared he would be handcuffed and taken away.

"I'm thinking, 'When's it coming?' " he said.

He continued to manage the golf course project, which opened in October to strong reviews. According to Jowdy, there was never an warrant issued for his arrest.

The suit is the latest chapter in a bitter feud pitting Jowdy against Kenner and Constantine, a former race car driver who was sentenced to six years in prison in Illinois on drug charges in the 1990s. Kenner and Constantine themselves have been sued by Kenner's clients. Former NHL star Joe Juneau accused Kenner in a suit filed in December of 2008 in U.S. District Court in L.A. of bilking him out of millions in investments. An arbitrator awarded Minnesota Wild right wing Owen Nolan \$2.5 million after Nolan claimed he was scammed by Kenner. Ethan Moreau of the Edmonton Oilers filed a suit at the same time against Constantine.

Kenner has already lost two claims against Jowdy, one in California and one in Arizona.

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"I really hope this is the best thing to happen to the players, that it forces them to get competent, independent counsel," Jowdy said, "and separates them from Kenner, Constantine and Richards."

Graphic

Ken Jowdy

Load-Date: April 28, 2010

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